

**COMMITTEE ON COMMUNITY SERVICES**  
(Standing Committee of Berkeley County Council)

Chairman: Mr. Timothy J. Callanan, District No. 2

A **meeting** of the Committee on Community Services, Standing Committee of Berkeley County Council, was held on **Monday, April 11, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 8:33 p.m.

**PRESENT:** Chairman Timothy J. Callanan, Council District No. 2; Committee Member Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Supervisor Daniel W. Davis; Ms. Nicole Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Committee Member D. Fish, Council District No. 5 was excused.

**ALSO PRESENT:** Council Member Phillip Farley, District No. 1, ex officio; Council Member Jack Schurlock, District No. 6, ex officio; Council Member Steve Davis, District No. 8, ex officio.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman T. Callanan: "I'd like to call the Committee on Community Services to order. First item on the agenda is the approval of minutes from February 14, 2011 and February 28, 2011."

Committee Member C. Davis: "So move"

Committee Member R. Call: "Second"

Chairman T. Callanan: "We have a motion and a second. Are there any changes or corrections to these minutes? (No Response) With no changes or corrections, all those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) The minutes stand approved as presented."

It was moved by Committee Member C. Davis and seconded by Committee Member R. Call to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

**A. Ms. Stacey Thomas, Airport Manager, Re: Approval to accept a Security Fencing grant in the following amounts:**

FAA - \$142,952.00 (95%)

State Aeronautics - \$3,788.00 (2.5%)

Local match to come from Economic Development - \$3,788.00 (2.5%).

Committee Member C. Davis: "Move for approval"

Committee Member R. Call: "Second"

Chairman T. Callanan: "I have a motion and a second. Is there any discussion? (No Response) All in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) The motion carries."

It was moved by Committee Member C. Davis and seconded by Committee Member R. Call to approve a **Security Fencing grant** from the **FAA in the amount of \$142,952.00 (95%)**, from the **State Aeronautics in the amount of \$3,788.00 (2.5%)**. Local match to come from Economic Development in the amount of **\$3,788.00 (2.5%)**. The motion passed by unanimous voice vote of the Committee.

**B. Supervisor Daniel W. Davis, Re: Request for authorization to begin **condemnation proceedings** to acquire avigation easements on certain properties as required by the FAA.**

Chairman Callanan: "Mr. Supervisor?"

Supervisor D. Davis: "Ok, let me begin by saying that the need for the avigation easements, and I am going to give you a definition of that in just a second; is a very old issue. I think we were actually notified by the FAA and the State Aeronautics Commission some six or seven years ago that we needed to begin that process. And again I am going to explain why that's necessary. First of all the definition of an avigation easement is that it allows us, we actually purchased the easement; it allows us to control the height of the items on the property. Since Moncks Corner is not going to have skyscrapers that's not an issue, the only issue then becomes trees and if you look at this map behind you on your screen you'll see these grades as they go up. That simply refers to the further away from the airport obviously the higher the trees can be and they're not a problem. If you look real closely on your screen each one of those red and orange dots represents a tree that is currently a problem, the orange dots are more of a problem right now and actually those, if you go out by the airport, they're being taken down as we speak so they will no longer be a problem and that relates to the fact that we don't have the lower glide slopes minimum right now at the airport and in other words for instrument approaches; but with a new runway the new landing system that the FAA is recommending then the red trees become a problem so the County is eligible one time for federal grant money for federal funds to resolve this issue. The County has never taken advantage of that money and it is in our capital improvement plan for this year to purchase those easements and to eliminate the obstructions. The total amount of that is about \$642,000. So people will be paid a fair market value. There will be an appraisal process and they will be paid fair market value for that avigation easement and once that's acquired that problem is resolved forever and ever. As you, just so you know, it's actually not noted in the memo that you have but the majority of that money is federal dollars. The County will actually only have about \$16,000 in this process once it's completed and we really don't think that it's going to require the entire \$642,000 to complete this project. Again, we have taken care of the immediate problem, which are the orange trees; the reason...and here

are some scenes where the work is going on right now. The only reason that we put it on the agenda tonight because we thought we had one tree out of all of these trees we thought we had one tree that we thought was going to be a problem and we were gonna ask you for the permission to begin condemnation. We will permission, we will need the consent of council in the future to acquire these easements it would be appreciated if we would go ahead and get that action done tonight. If not and you need time to think about it and get more information about it we can do it at our regular meeting but it would help us to facilitate the process and by the way we had no choice this is again a requirement by the FAA so it's something that we are absolutely going to have to do."

Council Member J. Schurlknight: "Mr. Chairman."

Chairman T. Callanan: "Mr. Schurlknight."

Council Member J. Schurlknight: "Supervisor? I was looking at that map and my luck everything is in my district on that one. Have y'all got a feel on the land owners as you've approached them about these trees?"

Supervisor D. Davis: "Actually yes. Out of the four property owners that were involved, most of these are pine trees..."

Council Member J. Schurlknight: "Right."

Supervisor D. Davis: "And let me mention that when it's a hardwood tree we don't have to cut the tree down we just simply have to top it and so it really is not a problem for the land owner. When the instance of pine trees most of these property owners were glad to have the County do it. Actually one told me he had about seven and he just hired, just gotten a quote from a tree company that was going to cost him several thousand dollars to do it so he was just overjoyed with it."

Council Member J. Schurlknight: "Right. Now that's the yards you said we were going to go on and that's the red?"

Supervisor D. Davis: "Yeah."

Council Member J. Schurlknight: "Trying to get that cleared out also?"

Supervisor D. Davis: "The next step will be the red trees and based on the percentages of this you know the majority of the property owners were delighted with it and we don't anticipate a problem but there will be some who will not grant it and that's when we'll have to use the condemnation."

Council Member J. Schurlknight: "Would we have a public meeting or something that's going to involve these land owners to explain why or we're trying to do it on an individual basis?"

Supervisor D. Davis: "We're going to do it on an individual basis and that's the way we approach this. I actually, I went out personally and met with each property owner. It was much easier to do that one on one and that's probably the process we'll use with the next step."

Council Member J. Schurlknight: "Ok and if you wouldn't mind just make a note if you could kind of keep me involved in this right here since it is my district."

Supervisor D. Davis: "Ok."

Council Member J. Schurlknight: "I might even like to go out on some of those visits with you."

Supervisor D. Davis: "Ok that would be good."

Council Member J. Schurlknight: "Thank you."

Committee Member R. Call: "Would we be selling this timber?"

Supervisor D. Davis: "Well actually that timber that you're looking at right now, the property owner wanted, they want to sell us that piece of property and that will be one that we will be...that will be eligible for purchase but the property owner agreed to let us cut it if we gave the money to the property owner. So we didn't make anything out of it and the property owner will probably receive two or three thousand dollars for the timber."

Council Member S. Davis: "Mr. Chairman."

Chairman T. Callanan: "Who's that? Mr. Davis?"

Council Member S. Davis: "Yeah."

Chairman T. Callanan: "Mr. Davis."

Council Member S. Davis: "Mr. Supervisor do you think that as we progress further that these land owners need to have any concern about the actual property themselves coming into question later on?"

Supervisor D. Davis: "I'm not..."

Council Member S. Davis: "I mean you got the trees today you going to actually want them to move their homes later?"

Supervisor D. Davis: "Oh no, no, no. No that's what I said in the beginning the only thing that is impacted by the avigation easement is our ability to control the height of the trees."

Council Member S. Davis: "Don't want the planes to hit the trees."

Supervisor D. Davis: "We don't want the planes to hit the trees."

Council Member S. Davis: "Ok."

Council Member J. Schurlknight: "....move houses."

Committee Member R. Call: "Mr. Chairman?"

Chairman T. Callanan: "Mr. Call."

Committee Member R. Call: "So this is an easement that's a onetime thing and if these trees grow up again then we can go in there and top them without going through this condemnation."

Supervisor D. Davis: "Correct. I mean we would of course have to notify the property owner we're going to be on the property but we would go, we would have the right. Just like in easement, if your liking it to our water and sewer easement that we have the right go in there. We maintain it, we fix it back the way it was but we do have the right to go in there and get it."

Committee Member R. Call: "So these will be recorded on our deeds and things like that."

Supervisor D. Davis: "They will."

Committee Member R. Call: "Ok. Because we don't want a future property owner come in there and not know about it. If they come in there and buy a house, search and a title I presume are in the opinion of the attorney would reflect this easement."

Supervisor D. Davis: "If they have a good attorney."

Committee Member R. Call: "We might could find a one."

Council Member S. Davis: "Send them to Davis Law Office."

Supervisor D. Davis: "Yeah it is recorded."

Committee Member R. Call: "Ok thank you, thank you Mr. Chairman."

County Attorney N. Ewing: "Mr. Chairman?"

Chairman T. Callanan: "Ms. Ewing."

County Attorney N. Ewing: "Staff wanted me to remind Mr. Davis to let Council know that there are some avigation, I can't say the word..."

Supervisor D. Davis: "Avigation easements."

County Attorney N. Ewing: "Thank you, that the County already has when we went through this process before so this isn't anything new that we haven't done before so..."

Supervisor D. Davis: "And I will say most of the County did several years ago when we began this process we only actually acquired four easements and why we stopped at that I don't know. We actually sent a surveying company out there. There's still some trees that are out there that are flagged so many of the residents have been wondering why we haven't followed through so most of them are aware of it and unless they have just recently moved to the neighborhood. And it's only again, it's only in this area....well never mind. But you saw where the dots were, that's the only areas that will be affected....that's alright."

Chairman T. Callanan: "Is there any further discussion? Well what's the pleasure of the Committee?"

Committee Member R. Call: "Mr. Chairman I move that we move this on to the Special Council Meeting for approval tonight."

Committee Member C. Pinckney: "Second"

Chairman T. Callanan: "We have a motion and a second. Is there any further discussion on this? (No Response) All those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) The motion carries."

It was moved by Committee Member R. Call and seconded by Committee Member C. Pinckney to **approve** the request for authorization to begin **condemnation proceedings** to acquire avigation easements on certain properties as required by the FAA. The motion passed by unanimous voice vote of the Committee.

Chairman T. Callanan: "I'll entertain a motion to adjourn."

Committee Member C. Davis: "So move."

Committee Member Pinckney: "Second"

Chairman Callanan: "We have a motion and a second. All those in favor signify by saying Aye? (Ayes) Opposes Nay? (No Response) We are adjourned. Thank you."

It was moved by Committee Member C. Davis and seconded by Committee Member C. Pinckney to **adjourn** the Committee on Community Services meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 8:45pm.

May 9, 2011  
Date Approved

**COMMITTEE ON COMMUNITY SERVICES**  
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Members: Mr. Robert O. Call, Jr., District No. 3  
Mrs. Cathy Davis, District No. 4  
Mr. Dennis Fish, District No. 5  
Mr. Caldwell Pinckney, District No. 7

Mr. Phillip Farley, District No. 1, ex officio  
Mr. Jack Schurlknight, District No. 6, ex officio  
Mr. Steve C. Davis, District No. 8, ex officio  
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON COMMUNITY SERVICES**, Standing Committee of Berkeley County Council, will be held on **Monday April 11, 2011, at 6:03 p.m.**, following other scheduled committee meetings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

**AGENDA**

**APPROVAL OF MINUTES**

**February 14, 2011**

**February 28, 2011**

**A. Ms. Stacey Thomas, Airport Manager**, Re: Approval to accept a Security Fencing grant in the following amounts:

FAA - \$142,952.00 (95%)

State Aeronautics - \$3,788.00 (2.5%)

Local match to come from Economic Development - \$3,788.00 (2.5%).

**B. Supervisor Daniel W. Davis**, Re: Request for authorization to begin **condemnation proceedings** to acquire avigation easements on certain properties as required by the FAA.

April 6, 2011

S/Barbara B. Austin, CCC

Clerk of County Council